

IN THE UNITED STATES COURT FOR THE DISTRICT OF UTAH  
NORTHERN DIVISION

---

PHILLIP M. ADAMS & ASSOCIATES,  
LLC, a Utah Limited Liability Company,  
  
Plaintiff,

vs.

WINBOND ELECTRONICS  
CORPORATION, ASUS COMPUTER  
INTERNATIONAL, MICRO-STAR  
INTERNATIONAL CORP., LTD, AND  
MSI COMPUTER CORP., et al.,  
  
Defendants.

MEMORANDUM DECISION AND  
ORDER GRANTING  
DEFENDANTS' MOTION IN  
LIMINE NO. 7 TO EXCLUDE  
MENTION OF ITE'S DEFAULT

Case No. 1:05-CV-64 TS

---

Defendants move to exclude evidence of ITE's default as irrelevant because it does not establish liability of any other defendant. Plaintiff opposes the Motion because the parties will present evidence regarding ITE's role in this case. Without evidence of the default, Plaintiff argues that it will be hindered in presenting its case because there will be an "empty chair" in the courtroom, leading to juror confusion.

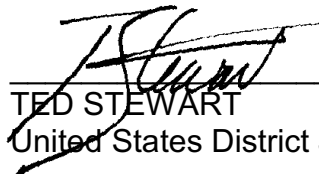
It appears to the Court that the present Motion is rendered moot by the recent

stipulated bifurcation of all claims relating to the ITE chip.<sup>1</sup> Because all of those issues will be heard in a separate proceeding there does not appear to be any reason to present evidence regarding ITE, its chips, or its default. If, however, Defendants raise the issue of ITE or its chips, including in relation to damages, Plaintiff may request revisiting the issue. It is therefore

ORDERED that Defendants' Motion in Limine No. 7 to Exclude Evidence Regarding ITE's Default (Docket No. 1463) is GRANTED.

DATED September 8, 2010.

BY THE COURT:

  
\_\_\_\_\_  
TED STEWART  
United States District Judge

---

<sup>1</sup>Docket No. 1572.